

REMARKS

SPECIFICATION

Care has been taken to ensure no new matter has been entered. The amended and new paragraphs find support in the original claims, drawings, and/or knowledge well known in the prior art.

DRAWINGS

As previously mention Figure 1 has been replaced with the attached Figure. Care was given such that no new matter was added to the specification. The extraneous matter (wording) objected to be the Patent Office has been added to the specification and such matter is now referenced to with numerals 120 through 126.

With regard to the other objections, in accordance with 37 CFR § 1.85 the applicant reserves the right to file formal drawings at the time the application is moved to allowance.

CLAIMS

Claims 1-29 are pending in this applications. Claims 1-26 have been cancelled without prejudice, thus the rejections made against the cancelled claims are moot. Claims 28 and 29 are rejected under 35 USC §112 as failing to comply with the enablement requirement. And Claim 27 is rejected under 35 USC §102(b) as being anticipated by Cheney et al. (US Patent 5,309,681). Claim 27 has been amended herein.

The Applicants appreciate the teachings in Cheney et al., however, to suggest Cheney may be adapted to be used as a finger nail trimmer renders Cheney unsatisfactory for its intended purpose, See MPEP 2143.01. Cheney is a power sander for sanding non-planar surfaces. Cheney is not intended nor could be used to trim a finger nail. Moreover, Cheney fails to disclose or suggest every element of Applicant's claimed invention: such as

a mobile housing comprising an elongated body member for which a person may grasp;

a power supply contained within the mobile housing to supply power to the electric drive device when activated by a switch; or

an abrasive surface coupled to the movable head, the abrasive surface having a grit—which when moving will trim a person's nail without damaging surrounding epidermal tissue.

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As such, Cheney either alone or in combination with other prior art, fails to anticipate or render obvious Applicants' claimed invention as defined by the amended claims.

The new claims find support as rewritten claims previously submitted or as having ample support in the specification and drawings.


Reconsideration is respectfully requested.

In view of the above amendments remarks reconsideration is requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. A return receipt postcard is enclosed. If the Office has any questions, please free feel to contact the undersigned at 312-521-2775.

Respectfully submitted,

Date: 12/13/2004

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Amendments to the Drawings:

The attached sheet of drawings includes new drawing Figure 1. Previously omitted element 120 through 126 are provided to replace objected extraneous matters.

Attachment: New Drawing Sheet